

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s) 23-16901

Case Name Howard Jarvis Taxpayers Association v. City of San Jose

Requesting Party Name(s) Howard Jarvis Taxpayers Association, et al.

I am: ☐ The party requesting the extension.
☒ Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- ☒ Brief (*you **must** also complete the Declaration on page 3*)
☐ Motion to proceed in forma pauperis
☐ Motion for a certificate of appealability
☐ Response/opposition to a pending motion
☐ Reply to a response/opposition to a pending motion
☐ Certified Administrative Record
☐ Response to court order dated
☒ Other (*you **must** describe the document*)

Excerpts of Record

The requested new due date is: January 5th, 2024

I request the extension of time because (**cannot be left blank**):
(attach additional pages if necessary)

See attached.

Signature s/ Laura Dougherty

Date Dec 21, 2023

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8

Complete this section for criminal or immigration cases.

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- ☐ I have **NOT** filed a previous request to extend time to file the document.
- ☐ I have previously requested an extension of time to file the document.

This motion is my request.

(Examples: first, second)

Bail/detention status (*select one*):

- ☐ The defendant is incarcerated. The projected release date is: .
- ☐ The petitioner is detained.
- ☐ The defendant/petitioner in this criminal/immigration case is at liberty.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)
Complete this section if you are requesting an extension of time to file a brief.

1. I request an extension of time to file the brief.

(Examples: opening, answering, reply, first cross-appeal)

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

Re-filing the Opening Brief is necessary only as to corrections to citations to conform to the Excerpts of Record. Substance will not change.

5. The position of the other party/parties regarding this request is:

☐ Unopposed.

☐ Opposed by *(name of party/parties opposing this motion)*:

☒ Unknown. I am unable to verify the position of the other party/parties because:

Counsel for Appellee is out of the office for the holidays. However, I left a voicemail and sent an email requesting a response.

6. ☒ The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7. ☒ I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

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Attachment to Form 14. Motion for Extension of Time
No. 23-16091

The brief was submitted (without Excerpts of Record) December 20, 2023. (Docket Entry #17.) Its substance will not change. On December 21, 2023, we were notified that we must file an Excerpts of Record by 5 PM on December 22, 2023. Due to holiday office closures and short-staffing at this time, we need additional time to complete the Excerpts of Record and conform the citations in the Opening Brief.

As further background, on December 20, 2023, co-Appellant NAGR submitted a stipulated motion to be removed as Appellant, leaving HJTA as the sole Appellant. NAGR and HJTA had planned to submit jointly, with NAGR preparing the briefing to which HJTA would contribute its portion.